

## NEW LEGISLATION

June 27, 2011

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-67	6/27/11	Fin	An ordinance providing for the issuance and sale of \$8,600,000 principal amount of notes, in anticipation of the issuance of bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
B-68	6/27/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with D&G Uniforms, Inc., for the purchase of body armor vests, and declaring an emergency.
B-69	6/27/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of Portage Trail from 4 <sup>th</sup> Street to 13 <sup>th</sup> Street, and declaring an emergency.
B-70	6/27/11	PA	A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.

## CALENDAR

June 27, 2011

The following legislation will be up for passage at the Council Meeting on June 27, 2011.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-63	6/13/11	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund, and declaring an emergency.
B-64	6/13/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the reconstruction of concrete pavement at various locations in the city, and declaring an emergency.
B-65	6/13/11	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-66	6/13/11	CD	An ordinance authorizing the Mayor to enter into an Intergovernmental Agreement known as the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, as amended, and declaring an emergency.

## PENDING LEGISLATION

June 27, 2011

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-53	5/9/11	PA	An ordinance enacting new Section 1366.06 of Title 7, Part 13 of the Codified Ordinances, relating to outdoor composting, and declaring an emergency.
B-54	5/9/11	PA	An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.
B-62	6/13/11	P Z	An ordinance amending Chapter 1115, Title 1, and Section 1131.03 of Chapter 1131, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), relating to regulation of crematories, and declaring an emergency.
B-63	6/13/11	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund, and declaring an emergency.
B-64	6/13/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the reconstruction of concrete pavement at various locations in the city, and declaring an emergency.
B-65	6/13/11	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-66	6/13/11	CD	An ordinance authorizing the Mayor to enter into an Intergovernmental Agreement known as the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, as amended, and declaring an emergency.

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2011

7  
8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND  
10 SALE OF \$8,600,000 PRINCIPAL AMOUNT OF NOTES, IN  
11 ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE  
12 PURPOSE OF REVITALIZING THE STATE ROAD  
13 REDEVELOPMENT AREA BY ACQUIRING, CLEARING AND  
14 IMPROVING CERTAIN PROPERTIES IN THAT AREA, AND  
15 DECLARING AN EMERGENCY.  
16

17 WHEREAS, the City has undertaken a program for the clearance, redevelopment  
18 and rehabilitation of blighted areas in the City, and the City, under its home rule  
19 powers, and acting through this City Council, by Resolution No. 18-2007, passed  
20 October 1, 2007, approved the State Road Redevelopment and Retail Analysis Master  
21 Plan (which plan is herein referred to as the "Urban Redevelopment Plan") for the State  
22 Road commercial area (the "Plan Area"); and  
23

24 WHEREAS, the Urban Redevelopment Plan includes, but is not limited to,  
25 undertakings and activities by the City for the purpose of elimination of blight and to  
26 obtain redevelopment of the sites and facilities therein for commercial purposes to  
27 prevent the recurrence of blight, and revitalizing the Plan Area pursuant to Section 20  
28 of Article VIII of the Ohio Constitution by providing for and enabling the  
29 environmentally safe and productive development and use or reuse of lands within the  
30 Plan Area by addressing by clearance, land acquisition or assembly or otherwise  
31 property conditions or circumstances that preclude and inhibit environmentally sound  
32 and economic use or reuse of such properties; and  
33

34 WHEREAS, this City Council, in furtherance of carrying out that Urban  
35 Redevelopment Plan and revitalizing the Plan Area, authorized the appropriation of  
36 certain property in the Plan Area by Resolution 18-2007 and by Ordinance No. 116-  
37 2007, passed October 9, 2007; and  
38

39 WHEREAS, pursuant to Ordinance No. 78-2010, passed July 12, 2010, notes in  
40 anticipation of bonds in the amount of \$9,600,000 dated August 18, 2010 and maturing  
41 August 18, 2011 (the Outstanding Notes) were issued for the purpose stated in Section 1  
42 (the Project); and  
43

44 WHEREAS, this Council finds and determines that the City should retire the  
45 Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds  
46 available to the City; and  
47

48 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this  
49 Council that the estimated life or period of usefulness of the improvement described in  
50 Section 1 is at least five years, the estimated maximum maturity of the bonds described in  
51 Section 1 is 50 years, and the maximum maturity of the notes described in Section 3, to  
52 be issued in anticipation of the bonds, is August 21, 2028;  
53

54 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
55 Summit County, Ohio, that:  
56

57 Section 1. It is necessary to issue bonds of this City in the aggregate principal amount  
58 of \$8,600,000 (the Bonds) for the purpose of revitalizing the State Road Redevelopment  
59 Area by acquiring, clearing and improving certain properties in that Area.  
60

61 Section 2. The Bonds shall be dated approximately August 1, 2012, shall bear interest  
62 at the now estimated rate of 7.5% per year, payable on June 1 and December 1 of each  
63 year, commencing December 1, 2012, until the principal amount is paid, and are  
64 estimated to mature in twenty-five annual principal installments that are in such amounts  
65 that the total principal and interest payments on the Bonds in any fiscal year in which  
66 principal is payable are substantially equal. The first principal installment is estimated to  
67 be December 1, 2013.  
68

69 Section 3. It is necessary to issue and this Council determines that notes in the  
70 aggregate principal amount of \$8,600,000 (the Notes) shall be issued in anticipation of the  
71 issuance of the Bonds and to retire, together with other funds available to the City, the  
72 Outstanding Notes. The Notes shall bear interest at a rate or rates not to exceed 6.5% per  
73 year (computed on the basis of a 360-day year consisting of twelve 30-day months),  
74 payable at maturity and until the principal amount is paid or payment is provided for.  
75 The rate or rates of interest on the Notes shall be determined by the Director of Finance in  
76 the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6  
77 of this ordinance.  
78

79 Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of  
80 the United States of America, and shall be payable, without deduction for services of the  
81 City's paying agent, at the main office of The Huntington National Bank, Columbus, Ohio  
82 or at the office of a bank or trust company designated by the Director of Finance in the  
83 Certificate of Award after determining that the payment at that bank or trust company will  
84 not endanger the funds or securities of the City and that proper procedures and  
85 safeguards are available for that purpose or at the office of the Director of Finance if agreed  
86 to by the Director of Finance and the Original Purchaser (the Paying Agent). The Notes  
87 shall be dated the date of issuance and shall mature not earlier than ten months from that  
88 date and not later than twelve months from that date, as shall likewise be fixed by the  
89 Director of Finance in the Certificate of Award.  
90

91 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the  
92 name of the City and in their official capacities, provided that one of those signatures may  
93 be a facsimile. The Notes shall be issued in the denominations and numbers as requested  
94 by the original purchaser and approved by the Director of Finance, provided that unless  
95 the City causes the distribution of an official statement, as described in Section 6 hereof,  
96 no Note shall be issued in a denomination less than \$100,000. The entire principal  
97 amount may be represented by a single note and may be issued as fully registered  
98 securities (for which the Director of Finance will serve as note registrar) and in book entry  
99 or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the  
100 Revised Code if it is determined by the Director of Finance that issuance of fully registered  
101 securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not  
102 have coupons attached, shall be numbered as determined by the Director of Finance and  
103 shall express upon their faces the purpose, in summary terms, for which they are issued  
104 and that they are issued pursuant to this Ordinance. As used in this section and this  
105 ordinance:  
106

107 “Book entry form” or “book entry system” means a form or system under which (i) the  
108 ownership of beneficial interests in the Notes and the principal of, and interest on, the  
109 Notes may be transferred only through a book entry, and (ii) a single physical Note  
110 certificate is issued by the City and payable only to a Depository or its nominee, with such  
111 Notes “immobilized” in the custody of the Depository or its agent for that purpose. The  
112 book entry maintained by others than the City is the record that identifies the owners of  
113 beneficial interests in the Notes and that principal and interest.  
114

115 “Depository” means any securities depository that is a clearing agency under federal  
116 law operating and maintaining, with its Participants or otherwise, a book entry system to  
117 record ownership of beneficial interests in the Notes or the principal of, and interest on,  
118 the Notes and to effect transfers of the Notes, in book entry form, and includes and means  
119 initially The Depository Trust Company (a limited purpose trust company), New York, New  
120 York.  
121

122 “Participant” means any participant contracting with a Depository under a book entry  
123 system and includes security brokers and dealers, banks and trust companies, and  
124 clearing corporations.  
125

126 The Notes may be issued to a Depository for use in a book entry system and, if and as  
127 long as a book entry system is utilized, (i) the Notes may be issued in the form of a single  
128 Note made payable to the Depository or its nominee and immobilized in the custody of the  
129 Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall  
130 have no right to receive the Notes in the form of physical securities or certificates; (iii)  
131 ownership of beneficial interests in book entry form shall be shown by book entry on the  
132 system maintained and operated by the Depository and its Participants, and transfers of  
133 the ownership of beneficial interests shall be made only by book entry by the Depository  
134 and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable,  
135 except for transfer to another Depository or to another nominee of a Depository, without  
136 further action by the City.  
137

138 If any Depository determines not to continue to act as a Depository for the Notes for  
139 use in a book entry system, the Director of Finance may attempt to establish a securities  
140 depository/book entry relationship with another qualified Depository. If the Director of  
141 Finance does not or is unable to do so, the Director of Finance, after making provision for  
142 notification of the beneficial owners by the then Depository and any other arrangements  
143 deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall  
144 cause the Notes in bearer or payable form to be signed by the officers authorized to sign  
145 the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and  
146 expense (including any costs of printing), if the event is not the result of City action or  
147 inaction, of those persons requesting such issuance.  
148

149 The Director of Finance is also hereby authorized and directed, to the extent necessary  
150 or required, to enter into any agreements determined necessary in connection with the  
151 book entry system for the Notes, after determining that the signing thereof will not  
152 endanger the funds or securities of the City.  
153

154 Section 6. The Notes shall be sold at not less than 97% of the principal amount  
155 thereof plus any accrued interest at private sale by the Director of Finance in accordance  
156 with law and the provisions of this ordinance. The Director of Finance shall, in  
157 accordance with his determination of the best interests of and financial advantages to the  
158 City and its taxpayers and conditions then existing in the financial market, consistently  
159 with the provisions of Sections 3 and 4, establish the interest rates to be borne by the

160 Notes and their maturity, sign the Certificate of Award referred to in Sections 3 and 4  
161 evidencing those determinations, cause the Notes to be prepared, and have the Notes  
162 signed and delivered, together with a true transcript of proceedings with reference to the  
163 issuance of the Notes if requested by the original purchaser or purchasers (collectively, the  
164 “Original Purchaser”), to the Original Purchaser upon payment of the purchase price. The  
165 Mayor and the Director of Finance are also authorized, if requested by the Original  
166 Purchaser as a condition of such sale, to execute, on behalf of the City, a Note Purchase  
167 Agreement between the City and such Original Purchaser relating to the sale of such  
168 Notes, or the sale of any consolidated issue of which the Notes are a part, substantially in  
169 the form now on file with the Clerk of Council in Council File No. \_\_\_\_\_, which Note  
170 Purchase Agreement is hereby approved, together with any changes or amendments not  
171 inconsistent with this ordinance and not substantially adverse to the City and that are  
172 approved by the Mayor and the Director of Finance on behalf of the City, all of which shall  
173 be conclusively evidenced by the signing of the Note Purchase Agreement or any  
174 amendments thereto by the Mayor and the Director of Finance. The Mayor, the Director of  
175 Finance, the Clerk of Council and other City officials, as appropriate, are each authorized  
176 and directed to sign any transcript certificates, financial statements, continuing disclosure  
177 agreement and other documents and instruments and to take such actions as are  
178 necessary and appropriate to consummate the transactions contemplated by this  
179 ordinance. The Director of Finance is authorized, if it is determined to be in the best  
180 interest of the City, to combine the issue of Notes with one or more other note issues of the  
181 City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.  
182

183 The Director of Finance is hereby authorized to offer all or part of the Notes at par and  
184 any accrued interest to the Treasury Investment Board of the City for investment under  
185 Section 731.56 of the Revised Code, in accordance with law and the provisions of this  
186 ordinance if, as a result of the conditions then existing in the financial markets, the  
187 Director of Finance determines it is in the best financial interest of the City in lieu of the  
188 private sale authorized in the preceding paragraph.  
189

190 If the Mayor or the Director of Finance determines it to be in the best interests of and  
191 financially advantageous to the City, either or both of those officers are authorized, on  
192 behalf of the City, to apply for a rating on the Notes from one or more nationally-  
193 recognized rating organizations.  
194

195 If in the judgment of the Mayor or the Director of Finance a disclosure document in the  
196 form of an official statement (including within such term, but not limited to, an annual  
197 information statement) is appropriate or necessary relating to the original issuance of the  
198 Notes, either or both of those officers, on behalf of the City and in their official capacities,  
199 are authorized to (i) prepare or cause to be prepared, and make or authorize modifications,  
200 completions or changes of or supplements to, such an official statement, (ii) determine,  
201 and to certify or otherwise represent, when the official statement is to be “deemed final”  
202 (except for permitted omissions) by the City as of its date or is a final official statement for  
203 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the  
204 use and distribution of those official statements and any supplements thereto in  
205 connection with the original issuance of the Notes, and (iv) complete and sign those official  
206 statements as so approved together with such certificates, statements or other documents  
207 in connection with the finality, accuracy and completeness of those official statements.  
208

209 As used in this Section and this ordinance:  
210

211 “Note proceedings” means, collectively, this ordinance and the other proceedings of the  
212 City, including the Notes, that collectively provide for, among other things, the rights of  
213 holders and beneficial owners of the Notes.  
214

215 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange Commission  
216 pursuant to the Securities Exchange Act of 1934.  
217

218 “Specified Events” means the occurrence of any of the following events, within the  
219 meaning of the Rule, with respect to the Notes as applicable: principal and interest  
220 payment delinquencies; non-payment related defaults; unscheduled draws on debt service  
221 reserves reflecting financial difficulties; unscheduled draws on credit enhancements  
222 reflecting financial difficulties; substitution of credit or liquidity providers, or their failure  
223 to perform; adverse tax opinions or events affecting the tax-exempt status of the Notes;  
224 modifications to rights of holders or beneficial owners of the Notes; Note calls; defeasances;  
225 release, substitution or sale of property securing repayment of the Notes; and rating  
226 changes. The City has not obtained or provided, and does not expect to obtain or provide,  
227 any debt service reserves, credit enhancements or credit or liquidity providers for the  
228 Notes, the Notes are not subject to call for redemption prior to maturity, and repayment of  
229 the Notes is not secured by a lien on any property capable of release or sale or for which  
230 other property may be substituted.  
231

232 If the City prepares and causes the distribution of an Official Statement for the Notes,  
233 for the benefit of the holders and beneficial owners from time to time of the Notes, the City  
234 agrees, as the only obligated person with respect to the Notes under the Rule, to provide or  
235 cause to be provided such notices, in such manner, as may be required for purposes of  
236 paragraph (b)(5)(i)(C) of the Rule, including specifically notice to the Municipal Securities  
237 Rulemaking Board (MSRB) through its Electronic Municipal Market Access (EMMA)  
238 system, in a timely manner, of the occurrence of any Specified Event, if that event is  
239 material. (The City’s agreement in this paragraph is herein referred to as the Continuing  
240 Disclosure Agreement).  
241

242 The Director of Finance is further authorized and directed to establish procedures to  
243 ensure compliance by the City with the Continuing Disclosure Agreement, including timely  
244 provision of notices as described above. Prior to providing notice of the occurrence of any  
245 Specified Event or of any other events, the Director of Finance shall consult with and  
246 obtain legal advice from, as appropriate, the Director of Law and bond or other qualified  
247 independent special counsel selected by the City. The Director of Finance, acting in the  
248 name and on behalf of the City, shall be entitled to rely upon any such legal advice in  
249 determining whether a notice should be provided.  
250

251 The City reserves the right to amend the Continuing Disclosure Agreement, and to  
252 obtain the waiver of noncompliance with any provision of that Agreement, as may be  
253 necessary or appropriate to achieve its compliance with any applicable federal securities  
254 law or rule, to cure any ambiguity, inconsistency or formal defect or omission, and to  
255 address any change in circumstances arising from a change in legal requirements, change  
256 in law, or change in the identity, nature or status of the City, or type of business  
257 conducted by the City. Any such amendment or waiver will not be effective unless the  
258 Agreement (as amended or taking into account such waiver) would have complied with the  
259 requirements of the Rule at the time of the primary offering of the Notes, after taking into  
260 account any applicable amendments to or official interpretations of the Rule, as well as  
261 any change in circumstances, and until the City shall have received: either (i) a written  
262 opinion of bond or other qualified independent special counsel selected by the City that the  
263 amendment or waiver would not materially impair the interests of holders or beneficial

264 owners of the Notes or (ii) the written consent to the amendment or waiver of the holders of  
265 at least a majority of the principal amount of the Notes then outstanding.  
266

267 The Continuing Disclosure Agreement shall be solely for the benefit of the holders and  
268 beneficial owners from time to time of the Notes. The exclusive remedy for any breach of  
269 the Agreement by the City shall be limited, to the extent permitted by law, to a right of  
270 holders and beneficial owners to institute and maintain, or to cause to be instituted and  
271 maintained, such proceedings as may be authorized at law or in equity to obtain the  
272 specific performance by the City of its obligations under the Agreement. Any individual  
273 holder or beneficial owner may institute and maintain, or cause to be instituted and  
274 maintained, such proceedings to require the City to provide or cause to be provided a  
275 pertinent filing if such a filing is due and has not been made. Any such proceedings to  
276 require the City to perform any other obligation under the Agreement (including any  
277 proceedings that contest the sufficiency of any pertinent filing) shall be instituted and  
278 maintained only (i) by a trustee appointed by the holders and beneficial owners of not less  
279 than 25% in principal amount of the Notes then outstanding or (ii) by holders and  
280 beneficial owners of not less than 10% in principal amount of the Notes then outstanding,  
281 in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or  
282 any like or comparable successor provisions).  
283

284 The performance by the City of the Continuing Disclosure Agreement shall be subject  
285 to the annual appropriation of any funds that may be necessary to perform it.  
286

287 The Continuing Disclosure Agreement shall remain in effect only for such period that  
288 the Notes are outstanding in accordance with their terms and the City remains an  
289 obligated person with respect to the Notes within the meaning of the Rule. The obligation  
290 of the City to provide the notices of the Specified Events shall terminate, if and when the  
291 City no longer remains such an obligated person.  
292

293 Section 7. The proceeds from the sale of the Notes, except any premium and accrued  
294 interest, shall be paid into the proper fund or funds and those proceeds are appropriated  
295 and shall be used for the purpose for which the Notes are being issued. Any portion of  
296 those proceeds representing premium and accrued interest shall be paid into the Bond  
297 Retirement Fund.  
298

299 Section 8. The par value to be received from the sale of the Bonds or of any renewal  
300 notes and any excess funds resulting from the issuance of the Notes shall, to the extent  
301 necessary, be used to pay the debt charges on the Notes at maturity and are pledged for  
302 that purpose.  
303

304 Section 9. During the year or years in which the Notes are outstanding, there shall be  
305 levied on all the taxable property in the City, in addition to all other taxes, the same tax  
306 that would have been levied if the Bonds had been issued without the prior issuance of the  
307 Notes. The tax shall be within the eleven mill limitation provided by the Charter of the  
308 City, shall be and is ordered computed, certified, levied and extended upon the tax  
309 duplicate and collected by the same officers, in the same manner, and at the same time  
310 that taxes for general purposes for each of those years are certified, levied, extended and  
311 collected, and shall be placed before and in preference to all other items and for the full  
312 amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement  
313 Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the  
314 Bonds when and as the same fall due. In each year to the extent money from the  
315 municipal income tax is available for the payment of the debt charges on the Notes and  
316 Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the

317 amount of the money so available and appropriated in compliance with the covenant  
318 hereinafter set forth. To the extent necessary, the debt charges on the Notes and Bonds  
319 shall be paid from municipal income taxes lawfully available therefor under the  
320 Constitution and laws of the State of Ohio; and the City hereby covenants, subject and  
321 pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to  
322 appropriate annually from such municipal income taxes such amount as is necessary to  
323 meet such annual debt charges. Nothing in this paragraph in any way diminishes the  
324 pledge of the full faith and credit and property taxing power of the City to the prompt  
325 payment of the debt charges on the Notes.  
326

327 Section 10. The City does not intend or represent that the interest on the Notes will be  
328 excluded from gross income for federal income tax purposes under Section 103 of the  
329 Internal Revenue Code of 1986 and the City is not obligated to take any action to attempt  
330 to secure or maintain any such exclusion.  
331

332 Section 11. The Clerk of Council is directed to deliver a certified copy of this ordinance  
333 to the Fiscal Officer in Summit County.  
334

335 Section 12. This Council determines that all acts and conditions necessary to be done  
336 or performed by the City or to have been met precedent to and in the issuing of the Notes  
337 in order to make them legal, valid and binding general obligations of the City have been  
338 performed and have been met, or will at the time of delivery of the Notes have been  
339 performed and have been met, in regular and due form as required by law; that the full  
340 faith and credit and general property taxing power (as described in Section 9) of the City  
341 are pledged for the timely payment of the debt charges on the Notes; and that no statutory  
342 or constitutional limitation of indebtedness or taxation will have been exceeded in the  
343 issuance of the Notes.  
344

345 Section 13. The Director of Law is authorized to engage the legal services of the law  
346 firm of Squire, Sanders & Dempsey (US) LLP, which legal services are to be in the nature of  
347 legal advice and recommendations as to the documents and the proceedings, and  
348 rendering an approving legal opinion, in connection with the issuance and sale of the  
349 Notes. In rendering those legal services, as an independent contractor and in an  
350 attorney-client relationship, that Firm shall not exercise any administrative discretion on  
351 behalf of this City in the formulation of public policy, expenditure of public funds,  
352 enforcement of laws rules and regulations of the State, any county, or cities or of this City,  
353 or the execution of public trusts. For those legal services that Firm shall be paid fees now  
354 estimated at \$11,000, and in addition shall be reimbursed for actual out-of-pocket  
355 expenses (including, but not limited to, travel, long-distance telephone, fax and duplicating  
356 expenses) incurred in rendering those legal services. The Director of Finance is authorized  
357 and directed to make appropriate certification as to the availability of funds for that fee  
358 and any reimbursement and to issue an appropriate order for their payment as they  
359 become payable.  
360

361 Section 14. This Council finds and determines that all formal actions of this Council  
362 and of any of its committees concerning and relating to the passage of this ordinance were  
363 taken in an open meeting and that all deliberations of this Council and of any committees  
364 that resulted in those formal actions were held, in meetings open to the public, in  
365 compliance with Chapter 107 of the City's Codified Ordinances.  
366

367 Section 15. This ordinance is declared to be an emergency measure necessary for the  
368 immediate preservation of the public peace, health and safety of the City, and for the  
369 further reason that this ordinance is required to be immediately effective in order to issue

370 and sell the Notes, which is necessary to enable the City to timely retire the Outstanding  
371 Notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and  
372 effect immediately upon its passage and approval by the Mayor.  
373

374  
375 Passed: \_\_\_\_\_  
376 \_\_\_\_\_  
377 President of Council

378  
379 \_\_\_\_\_  
380 Clerk of Council

381  
382  
383 Approved: \_\_\_\_\_  
384 \_\_\_\_\_  
385 Mayor

386 6/27/11  
387 O:\2011ords\bond anticipation notes - State Road.DOC

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 WITHOUT COMPETITIVE BIDDING, WITH D&G UNIFORMS, INC.,  
10 FOR THE PURCHASE OF BODY ARMOR VESTS, AND DECLARING  
11 AN EMERGENCY.

12  
13 WHEREAS, the purchase by contract of the equipment, services, materials or supplies identified  
14 herein is through participation in a contract between the vendor and the State of Ohio, Dept. of  
15 Administrative Services, and is thus exempt from competitive bidding requirements pursuant to Ohio  
16 Revised Code §125.04,

17  
18 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
19 Summit and State of Ohio, that:

20  
21 Section 1. The Director of Public Safety is hereby authorized to enter into a contact or  
22 contracts, without competitive bidding, with D&G Uniforms, Inc., for the purchase of body armor  
23 vests.

24  
25 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
26 same from General Fund Police Department, Line Item Other.

27  
28 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
30 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
31 are hereby ratified and confirmed.

32  
33 Section 4. It is found and determined that all formal actions of this Council concerning and  
34 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
35 all deliberations of this Council and of any of its committees that resulted in such formal action were  
36 in meetings open to the public, in compliance with all legal requirements including Chapter 107 of  
37 the Codified Ordinances.

38  
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
41 Falls, and provided it receives the affirmative vote of two-thirds of the members elected or appointed  
42 to Council, it shall take effect and be in force immediately upon its passage and approval by the  
43 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

44  
45  
46 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

47  
48  
49  
50  
51 \_\_\_\_\_  
Clerk of Council

52  
53  
54 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

55  
56 6/27/11

57 O:\2011lords\body armor vests - purchase

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

6  
7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
11 ACCORDING TO LAW, FOR THE REPAIR AND RESURFACING OF  
12 PORTAGE TRAIL FROM 4<sup>TH</sup> STREET TO 13<sup>TH</sup> STREET, AND  
13 DECLARING AN EMERGENCY.  
14

15  
16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of  
17 Ohio, that:

18  
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
20 contracts, according to law, for the repair and resurfacing of Portage Trail from 4<sup>th</sup> Street to 13<sup>th</sup>  
21 Street.  
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
24 from the Capital Projects Fund.  
25

26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
28 herewith and which have not previously been repealed are hereby ratified and confirmed.  
29

30 Section 4. It is found and determined that all formal actions of this Council concerning and  
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that  
32 all deliberations of this Council and of any of its committees that resulted in such formal action, were  
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
34 including Chapter 107 of the Codified Ordinances.  
35

36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of  
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its  
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
42 allowed by law.  
43  
44

45 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

52  
53 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

54  
55  
56 6/27/11

57 O:\2011lords\Portage Tr. resurface

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3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 RESOLUTION NO. - 2011

8  
9 A RESOLUTION URGING THE OHIO GENERAL  
10 ASSEMBLY TO PROMPTLY ENACT PENDING  
11 LEGISLATION WHICH WOULD REGULATE  
12 DANGEROUS HALLUCINOGENIC SUBSTANCES  
13 THAT ARE CURRENTLY BEING MARKETED AS  
14 BATH SALTS AND PLANT FOOD, BY ADDING SUCH  
15 SUBSTANCES TO THE LIST OF CONTROLLED  
16 SUBSTANCES IDENTIFIED IN SECTION 3719.41 OF  
17 THE OHIO REVISED CODE, AND DECLARING AN  
18 EMERGENCY.

19  
20 WHEREAS, six synthetic derivatives of cathinone, namely, Methylone (3,4-  
21 methylenedioxymethcathinone), MDPV (3,4-methyenedioxypyrovalerone),  
22 Mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-  
23 fluoromethcathinone, and 3-fluoromethcathinone are dangerous hallucinogens  
24 now found in products marketed as, among other things, bath salts and plant  
25 food, and

26  
27 WHEREAS, the mentioned chemicals found in these bath salts and plant  
28 food are reported to have caused hallucinations, paranoia, and violent and  
29 suicidal behavior in persons abusing these substances, and

30  
31 WHEREAS, without some form of regulatory control over these substances,  
32 their abuse threatens to needlessly disrupt and diminish the lives of the  
33 abusers and the lives of those who are affected by such abuse, and

34  
35 WHEREAS, House Bill 127 and its companion, Senate Bill 126, have been  
36 introduced in the 129<sup>th</sup> Ohio General Assembly and have been referred to the  
37 Health and Aging Committee and the Health, Human Services, and Aging  
38 Committee, respectively, and

39  
40 WHEREAS, these bills, if enacted, would add the six mentioned substances  
41 to the list of hallucinogens set forth as Schedule 1 controlled substances in  
42 Section 3719.41 of the Ohio Revised Code, and

43  
44 WHEREAS, the listing of the mentioned substances as aforesaid would  
45 provide the State with ability to regulate and prohibit the possession, sale and  
46 use of these substances in a manner that will protect the public,

47  
48 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
49 Cuyahoga Falls, County of Summit, and State of Ohio, that:

